

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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: In re : Case No. 10-12721 (RDD)
: :
: RALPH ESMERIAN, : (Chapter 11)
: :
: Debtor. :
: :
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**ORDER DENYING DEBTOR'S MOTION
FOR APPOINTMENT OF AN EXAMINER
WITH EXPANDED POWERS**

Upon the motion dated July 9, 2010 of Ralph Esmerian, the debtor herein (the "Debtor"), for appointment of an examiner with expanded powers; and amended notice of the hearing having been served and filed on July 16, 2010; and an objection having been filed by the United States Trustee for Region 2 on July 21, 2010; and a joint objection having been filed by Merrill Lynch Mortgage Capital Inc. and FHLI Liquidation Trust on July 22, 2010; and a reply having been filed by the Debtor on July 22, 2010; and a hearing having been held on July 23, 2010; and the Court, after due deliberation, having announced its decision on the record of the proceedings on July 23, 2010; it is

ORDERED that the Debtor's motion is denied without prejudice.

Dated: White Plains, New York
July 27, 2010

/s/ Robert D. Drain
HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE